

Appl. No. 09/866,135
Amdt. Dated September 21, 2005
Reply to Office action of June 21, 2005
Attorney Docket No. P11102-2/37943-411C1
EUS/J/P/05-6171

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended Claims 45, and 50; Claims 1-44, 47, 49, and 51-61 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 45-46, 48, 50, 62-72 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowed Subject Matter

The Applicant extremely appreciates the allowance of claims 62-72.

3.) Double Patenting

The Examiner provisionally rejected claims 29, 32, 37, 38, 42, 43 and 51-61 under the judicially created doctrine of double patenting over claims 1-7 and 38-40 of co-pending Application No. 09/764,960. Claims 29-32, 34-36, 40, 43-44 and 51 were also rejected under the judicially created doctrine of double patenting over co-pending Application No. 09/765,119. Claims 29-38 were also rejected under the judicially created doctrine of double patenting over co-pending Application No. 09/764,622. Lastly, claims 29, 30-31, 34 and 38 were similarly rejected over U.S. Pat. No. 6,775,266. The Applicant has cancelled claims 29-44, 51-61 without prejudice.

4.) Allowable Subject Matter

The Applicant notes with appreciation the conditional allowance of claims 47, 49 and 50. As the Examiner has suggested, claim 49 has been rewritten in independent form including all limitation of the base claims and any intervening claims. Accordingly, independent claim 45 has been now amended to incorporate the allowable subject matter as recited by dependent claim 49. Therefore no amendments have been made to narrow the scope of the pending claims or to create any sort of estoppel.

As a result, independent claim 45 and its remaining dependent claims are now in condition for allowance.

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6.) Prior Art Not Relied Upon

In paragraph 12 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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Date: September 21, 2005

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